

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MEL TYRONE EDWARD,

Plaintiff,

No. 2:03-cv-02584 ALA (P)

vs.

STEPHEN SCARSELLA,

Defendant.

ORDER

On July 31, 2008, Defendant Stephen Scarsella filed a "Motion to Join the California Department of Corrections and Rehabilitation as a Defendant Under Rule 19," and a declaration in support thereof. (Doc. Nos. 204-205). On August 6, 2008, the Court ordered Plaintiff to file a response to Defendant's motion, on or before August 12, 2008. (Doc. No. 207). That same day, Defendant filed a "Notice of Withdrawl of Motion for Joinder." (Doc. No. 206). The motion is uncontested.

Based on the foregoing it is hereby ORDERED that:

1. The order of the Court directing Plaintiff to file a response to Defendant's Motion for Joinder (Doc. No. 207) is VACATED; and,

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2. Defendant's request to withdraw the motion for joinder (Doc. No. 206) is GRANTED.

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DATED: August 7, 2008

/s/ Arthur L. Alarcón
UNITED STATES CIRCUIT JUDGE
Sitting by Designation